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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE SOUTHERN DISTRICT OF OHIO  
4 WESTERN DIVISION AT DAYTON

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 Vs.

CASE NO. 3:09-cr-128(1)

8 DAVID ZOBEL,

9 Defendant.

10 TRANSCRIPT OF PROCEEDINGS  
11 GUILTY PLEA

12 PRESIDING: THE HONORABLE WALTER HERBERT RICE

13 DATE: January 8, 2010

14 APPEARANCES:

15 Brent G. Tabacchi, Esq.  
16 On Behalf of Plaintiff  
United States of America

17 David P. Williamson, Esq.  
18 On Behalf of Defendant  
David Zobel

19 Also Present: Agent Wendy Surikov

20 REPORTED BY: DEBRA LYNN FUTRELL, CRR  
21  
22  
23  
24  
25

1 Friday, January 8, 2010

2 IN OPEN COURT

3 12:18 p.m.

4 THE COURT: We do have case CR-3-09-128,  
5 United States of America versus David Zobel. The  
6 Defendant is in open court with counsel, Mr. David  
7 Williamson. The government is present in the person of  
8 Assistant United States Attorney, Mr. Brent Tabacchi.

9 Mr. Williamson, if you and your client would  
10 be good enough to come forward.

11 (Counsel and the Defendant approached the  
12 lectern.)

13 THE COURT: Good afternoon, sir.

14 MR. WILLIAMSON: Good afternoon, your Honor.

15 THE COURT: Mr. Williamson, have I  
16 pronounced your client's last name correctly?

17 MR. WILLIAMSON: I believe so, your Honor,  
18 it's Zobel.

19 THE COURT: Zobel. Mr. Williamson, your  
20 client, Mr. Zobel, is charged with five counts in an  
21 Indictment. Counts 1 and 2, coercion and enticement of  
22 a minor. Counts 3, 4, and 5, travel with intent to  
23 engage in illicit sexual contact with a minor. It's the  
24 Court's understanding that pursuant to Plea Agreement he  
25 will be entering a plea of guilty to Count 1 of that

1 Indictment charging coercion and enticement of a minor  
2 in return for which ultimately Counts 2 through 5 will  
3 be dismissed. This charge carries a mandatory minimum  
4 sentence of 10 years up to life imprisonment. There is  
5 nothing in the Plea Agreement as the Court reads it that  
6 would allow me to impose a sentence below that mandatory  
7 minimum.

8 In addition, the parties have agreed that a  
9 proper sentencing in this case will be somewhere between  
10 ten and 15 years, between a hundred and 20 and a hundred  
11 and 80 months. I indicated that I was amenable to such  
12 an agreement, that I would not, today, accept the Plea  
13 Agreement. I will defer a decision on whether to do so.  
14 If I find after evaluating all before me at the time of  
15 sentencing that I can sentence within that range, so be  
16 it. If I find that I cannot, that since I can't  
17 sentence lower, if I find that I must sentence higher,  
18 then you have the right, if you wish, to withdraw the  
19 plea of guilty and begin again. Is that all to your  
20 understanding, sir?

21 MR. WILLIAMSON: Yes, your Honor.

22 THE COURT: And Mr. Tabacchi, that of the  
23 government?

24 MR. TABACCHI: Yes, your Honor.

25 THE COURT: Mr. Zobel, is that your

1 understanding?

2 THE DEFENDANT: Yes, your Honor.

3 THE COURT: Do you wish to enter a plea of  
4 guilty, then, to Count 1 of the Indictment?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Before we can make a  
7 determination, sir, as to whether to accept a plea of  
8 guilty from you, we have to ask you certain questions.  
9 And in order to guarantee that those questions are  
10 answered both truthfully and completely, we do ask that  
11 you take an oath. So would you be good enough to raise  
12 your right hand?

13 Do you swear to tell the truth, the whole  
14 truth, nothing but the truth, so help you God?

15 THE DEFENDANT: I do.

16 THE COURT: All right, sir. You are David  
17 Zobel?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: How old are you, sir?

20 THE DEFENDANT: 32 years old.

21 THE COURT: How much education have you had?

22 THE DEFENDANT: I have a Master's degree.

23 THE COURT: In what field?

24 THE DEFENDANT: Music performance.

25 THE COURT: What types of work have you done

1 as an adult?

2 THE DEFENDANT: I have been a church  
3 musician. I have been a freelance classical pianist. I  
4 have been an accompanist and vocal coach and choir  
5 director.

6 THE COURT: All right, sir. This may well  
7 seem like an insulting question but it's one I have to  
8 ask of everyone who appears before me, can you read and  
9 write?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you have any difficulty  
12 understanding me as I sit here talking to you?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Do you understand that by virtue  
15 of just having taken an oath to tell the truth that you  
16 could be prosecuted later on for perjury or false  
17 swearing if it turns out that what you've told us today  
18 is not true, do you understand?

19 THE DEFENDANT: I understand you.

20 THE COURT: Now, sir, you've indicated a  
21 willingness to enter a plea of guilty to a charge of  
22 coercion and enticement of a minor. I'm going to read  
23 certain facts to you. These are the facts behind that  
24 charge. These are the facts to which you are pleading  
25 guilty. After I've read these facts to you, I will ask

1     you if they are correct.

2             According to these facts, beginning in  
3     approximately December of 2008, you were residing in Ann  
4     Arbor, Michigan, and beginning in December of 2008 you  
5     engaged in a series of sexually-explicit on-line chats  
6     with numerous minor females from around the country,  
7     including a 13-year-old girl from Xenia, Ohio that we  
8     will refer to as J.C. Although you participated in  
9     these chats with a wide range of purported female  
10    minors, you focussed considerable attention on J.C. In  
11    particular, with the assistance of your computer, the  
12    Internet and your cellular telephone, you, while you  
13    were in Michigan, used on-line chats and text messaging  
14    to persuade J.C. in Ohio to participate in sexual  
15    activities. Namely, oral sex with you during  
16    approximately the January 2009 time frame. During these  
17    communications, you, who was then over the age of 18,  
18    knew that J.C. in fact was under the age of 16 or, at a  
19    minimum, you acted in reckless disregard of her actual  
20    age.

21            Additionally, on or about June 2nd, 2009,  
22    you once again had inappropriate sexual contact with  
23    J.C. Before doing so, you exchanged a series of text  
24    messages from Michigan with J.C. in Ohio. In these text  
25    messages, J.C. asked you to help her run away from her

1 home. She indicated that she would make any assistance  
2 that he provided her worth his time -- worth your time.  
3 You responded that you were horny and would get J.C. a  
4 hotel room. Hmmm. End of quote. You further inquired  
5 of J.C. and one of her friends who was 12 would, quote,  
6 do anything you wanted, close quote, if he helped them,  
7 J.C. and her friend, run away from Ohio.

8           You ultimately proceeded to Xenia where you  
9 picked up the two minor girls. You then drove them to a  
10 parking garage in Toledo, Ohio. At this location you  
11 had both J.C. and her 12-year-old companion perform oral  
12 sex on you. You further took pictures of the girls  
13 posing either in their bras or with their bare breasts  
14 exposed. You then left the girls in the parking garage  
15 giving each of them \$20.

16           Around the time you participated in these  
17 sexual activities with J.C. and her friend, you were  
18 also downloading from the Internet and distributing to  
19 other people known images of child pornography. For  
20 example, for instance, you downloaded from the Internet  
21 to your computer at least 61 images of child  
22 pornography, at least one of which had moved or been  
23 transported in interstate commerce. Are those facts  
24 correct?

25           THE DEFENDANT: Those are largely correct.

1     There are two minor changes I believe that we have in  
2     that Statement of Facts but aside from those, yes, your  
3     Honor.

4                 MR. WILLIAMSON:   Your Honor, may I --

5                 THE COURT:   Give me one moment, please.

6                 (Brief pause.)

7                 THE COURT:   Go ahead, Mr. Williamson.

8                 MR. WILLIAMSON:   Your Honor, my apologies to  
9     the Court.   The U.S. Attorney and I made some  
10    last-minute changes to the Statement of Facts.  
11    Particularly, there's one paragraph and one phrase in  
12    the last paragraph that were changed.   And I apologize  
13    that I did not get that before the Court.   But the  
14    Statement of Facts that you read is not the final  
15    version that he signed here this morning.

16                THE COURT:   Would someone give me the final  
17    version?

18                MR. WILLIAMSON:   Thank you, your Honor.

19                MR. TABACCHI:   Your Honor, we delivered a  
20    copy to your chambers, this morning.

21                THE COURT:   Let's begin at the beginning.  
22    Beginning in approximately -- delete everything, Mr.  
23    Zobel, that I have said, although certainly it will  
24    remain on the record, and let me again read you a  
25    Statement of Facts that are behind the charge to which



1 you are pleading guilty. These are the facts set forth  
2 against you in Count 1 of the Indictment. After I have  
3 read these facts, I will ask you if they are correct.

4 Beginning in approximately December 2008,  
5 you were residing in Ann Arbor, Michigan and you engaged  
6 in a series of sexually explicit on-line chats with  
7 numerous minor females from around the country including  
8 a 13-year-old girl from Xenia, Ohio whom we will refer  
9 to as J.C. Although you participated in these chats  
10 with a wide range of purported female minors, you  
11 focussed considerable attention upon J.C. In  
12 particular, with the assistance of your computer, the  
13 Internet and your cellular telephone, you, while you  
14 were in Michigan, used on-line chats and text messaging  
15 to provide J.C. in Ohio -- or rather to persuade J.C. in  
16 Ohio to participate in sexual activities. Namely, oral  
17 sex with you during approximately the January 2009 time  
18 frame. During these communications, you, who were then  
19 over the age of 18, knew that J.C. in fact was under the  
20 age of 16 or, at a minimum, acted in reckless disregard  
21 of her actual age.

22 Additionally, on or about June 2nd, 2009,  
23 you once again had inappropriate sexual contact with  
24 J.C. Before doing so, you exchanged a series of text  
25 messages from Michigan with J.C. in Ohio. In these text

1 messages, J.C. informed you that she and a friend of  
2 hers whom J.C. described as, quote, 14 and yes, she is  
3 cute, close quote, had run away from home. You  
4 responded, quote: Maybe I should drive down and get you  
5 two a hotel room, hmmm. Close quote. J.C. replied,  
6 quote: If you come down here, friend -- and friend is  
7 added to make the sentence more easily understandable --  
8 quote, if you come here, the friend will do whatever you  
9 want, close quote. After agreeing on a place to meet,  
10 you inquired, quote: And you guys will do anything I  
11 want? Close quote. It's a question. And you guys will  
12 do anything I want? Question mark, close quote.

13               You ultimately proceeded to Xenia where you  
14 picked up two minor girls. You then drove them to  
15 a park -- excuse me.

16               You ultimately proceeded to Xenia where you  
17 picked up the two minor girls. You then drove them to a  
18 parking garage in Toledo, Ohio. At this location you  
19 had both J.C. and it says here your 12-year-old  
20 companion. Is that intended to remain, Mr. Tabacchi?

21               MR. TABACCHI: Your Honor, it should read  
22 "and her 12-year-old companion."

23               THE COURT: It says "and her 12-year-old  
24 companion."

25               MR. TABACCHI: Yes.

1 THE COURT: Is that accurate?

2 MR. TABACCHI: That is accurate.

3 THE COURT: All right. At this location,  
4 you had both J.C. and her 12-year-old companion perform  
5 oral sex on him. He further took pictures of the girls  
6 posing either -- you further took pictures of the girls  
7 posing either in their bras or with their bare breasts  
8 exposed. You then left the girls in the parking garage,  
9 giving them each \$20.

10 Around this time you participated in the  
11 sexual activities with these minors you were also  
12 downloading from the Internet known images of child  
13 pornography. For instance, you downloaded from the  
14 Internet to your computer at least 61 images of child  
15 pornography, at least one of which had moved or been  
16 transported in interstate commerce. Are those facts  
17 correct?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Do you understand that those are  
20 the facts behind the charge of coercion and enticement  
21 of a minor to which you are pleading guilty?

22 THE DEFENDANT: I understand.

23 THE COURT: Do you have any questions at all  
24 either as to the nature of this charge or what it is  
25 you're pleading to?

1 THE DEFENDANT: No, your Honor.

2 THE COURT: Now, Mr. Williamson, even though  
3 there is a mandatory minimum sentence involved and even  
4 though the parties have agreed upon or agreed to  
5 recommend to the Court a sentencing range, this is a  
6 sentencing guidelines case still in the sense that the  
7 Guidelines as always form a point of departure in my  
8 determining a sentence sufficient but no more than  
9 necessary to carry out the purposes of sentencing. With  
10 that in mind, I have a number of questions for you,  
11 which I will ask seriatim before seeking an answer.

12 First, have you discussed the Guidelines  
13 with your client? Have you advised him of the mandatory  
14 minimum sentence? Have you advised him that the  
15 Guidelines are advisory only, that they're no longer  
16 binding on me? Have you discussed with him -- or  
17 calculated rather a sentencing guideline range? And  
18 have you discussed with him under this Plea Agreement  
19 there is no way he could receive a sentence of less than  
20 10 years.

21 MR. WILLIAMSON: Yes to all of your  
22 questions, your Honor.

23 THE COURT: All right. Would you share with  
24 us any sentencing guideline range that you calculated?

25 MR. WILLIAMSON: Your Honor, my calculation,

1 and I have shared this with my client, first of all,  
2 that to the best of our knowledge and information he  
3 would be in criminal career category number I, and that  
4 given the base level with adjustments would result in a  
5 calculation of number 34 which is 151 to 188 months and  
6 provided he were to receive the deductions for  
7 acceptance of responsibility would result in a number 31  
8 with a range of 108 to 135 months.

9 THE COURT: Or because of the mandatory  
10 minimum in reality 120 to a hundred and 35 months.

11 MR. WILLIAMSON: That is correct, your  
12 Honor. My client and I have discussed that.

13 THE COURT: All right, sir. Mr. Zobel, have  
14 you had these discussions with your Attorney?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Knowing your lawyer as I do, I'm  
17 certain he's very thoroughly explained the sentencing  
18 laws to you. However, I'm required to do so one more  
19 time here in this courtroom. My task as a judge is to  
20 impose a sentence that is sufficient, in other words,  
21 enough, but no more than necessary to carry out the  
22 purposes of sentencing. The way I get to such a  
23 sentence is first to determine a sentencing guideline  
24 range. Now that range isn't binding on me. In other  
25 words, I don't have to sentence you within that range

1 but I am required to at least consider it along with all  
2 of the other factors of sentencing, do you understand?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The way I get to such a range,  
5 Mr. Zobel, is to look at two things. First, I need to  
6 learn all I can about the particular charge to which you  
7 have pled guilty. I need to know such things as whether  
8 you've accepted responsibility, your role in the offense  
9 and many other factors. And based upon all of these  
10 considerations and more, I come up with a certain total  
11 of points, do you understand?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Then I look at your past  
14 criminal record or lack of one and I come up with a  
15 second total of points, a completely different point  
16 total, do you understand?

17 THE DEFENDANT: I understand.

18 THE COURT: Then I take these two very  
19 different point totals and I look at the law and the law  
20 gives me a suggested range of sentencing which in your  
21 case your Attorney estimates is somewhere between a  
22 hundred and eight to a hundred and 35 months, somewhere  
23 between nine years and eleven years, three months. But  
24 because there is a required ten-year or 120-month  
25 minimum, that non-binding sentencing range in your case

1 is a hundred and 20 to a hundred and 35 months. Do you  
2 understand?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Now, it's important that you  
5 understand that your Attorney's estimate of a guideline  
6 sentencing range of a hundred and 20 to a hundred and 35  
7 months that, while it's a very educated estimate, it's  
8 an estimate only and that it's not the final decision on  
9 the sentencing range. The final decision will be  
10 reached by the Court with the help of the probation  
11 department and that if you and Mr. Williamson disagree  
12 with my decision on the sentencing range, then you could  
13 appeal that decision to a higher court known as the  
14 Court of Appeals, do you understand?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Now once I have that sentencing  
17 range determined, I put it aside for a moment and I  
18 consider all of the other factors of sentencing. For  
19 example, again I have to make certain that I know all  
20 there is to know about the particular charge to which  
21 you are pleading guilty, I need to learn as much about  
22 you as I can from your earliest years to the present  
23 time. I have to consider the public's interest in  
24 safety and in fair punishment, punishment that will  
25 promote for the law. I have to consider the public's

1 interest in deterrence, in preventing you and others  
2 from committing similar crimes of this nature in the  
3 future. Then I have to see if there's anything that we  
4 can do as a court to help you get your life back on  
5 track. Do you understand?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Finally, I have to make certain  
8 that whatever sentence I give you is not unreasonably  
9 different from sentences I've given others who have  
10 committed similar crimes in the past. Do you  
11 understand?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Now, considering all of those  
14 things including that non-binding sentencing range of a  
15 hundred and 20 to a hundred and 35 months, I then come  
16 up with a sentence that is sufficient, enough, but no  
17 more than needed to carry out the purposes of  
18 sentencing. And in your case that sentence could be  
19 anywhere from 10 years to life imprisonment, do you  
20 understand?

21 THE DEFENDANT: I do, your Honor.

22 THE COURT: Based on the Plea Agreement, you  
23 and the government are recommending to me that I impose  
24 a sentence of between a hundred and 20 months, 10 years  
25 and a hundred and 80 months, 15 years, do you understand



1     that?

2                   THE DEFENDANT:   Yes, your Honor.

3                   THE COURT:   Do you understand that  
4     considering all of the factors of sentencing that we've  
5     just discussed, I will determine whether such a  
6     recommended sentence is sufficient but no more than  
7     needed to carry out the purposes of sentencing.  And if  
8     I feel it is, I will sentence you within that ten to  
9     15-year range.  If I feel it isn't, if I feel it's not  
10    adequate, then I will offer you the opportunity to  
11    withdraw from the Plea Agreement, do you understand,  
12    sir?

13                  THE DEFENDANT:   I understand.

14                  THE COURT:   Now, in addition to a possible  
15    sentence of 10 years to life imprisonment, do you  
16    realize that you could be required to pay a fine of up  
17    to \$250,000?

18                  THE DEFENDANT:   Yes, sir.

19                  THE COURT:   Do you realize that in addition  
20    you will be required to pay a one-hundred-dollar fine to  
21    a fund that the government uses to help crime victims?

22                  THE DEFENDANT:   I understand.

23                  THE COURT:   And do you understand that at  
24    the end of whatever sentence I give you that you will  
25    have to be supervised as though you were on parole in

1 your community for a period of at least five years and  
2 it could be up to the rest of your life, do you  
3 understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you feel, sir, that you fully  
6 understand the fines and the penalties that could result  
7 from a plea of guilty this afternoon?

8 THE DEFENDANT: I believe so, your Honor.

9 THE COURT: Has Mr. Williamson your lawyer  
10 gone over all of this with you?

11 THE DEFENDANT: He has.

12 THE COURT: Has he told you anything  
13 differently than I have?

14 THE DEFENDANT: No, sir.

15 THE COURT: Do you have any questions?

16 THE DEFENDANT: No, sir.

17 THE COURT: All right. Now, have you told  
18 your lawyer Mr. Williamson everything you know about  
19 this case? Not only Count 1, but all of the charges  
20 against you?

21 THE DEFENDANT: I have, your Honor.

22 THE COURT: Have you held any information  
23 back from him?

24 THE DEFENDANT: No, sir.

25 THE COURT: Is he as aware as you can make

1 him of the facts of this case?

2 THE DEFENDANT: He is.

3 THE COURT: Has Mr. Williamson told you that  
4 you basically have two choices and only two choices in  
5 this case. One is to plead not guilty to all charges  
6 and go to trial. The other choice is to work out a Plea  
7 Agreement with the government. Has he told you that  
8 those are your choices?

9 THE DEFENDANT: That has been my  
10 understanding, sir.

11 THE COURT: And has he told you this?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Has he told you that whatever  
14 choice you make must be yours and yours alone?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Is the decision to plead guilty  
17 to Count 1 this afternoon your decision?

18 THE DEFENDANT: Yes, it is.

19 THE COURT: Is it your decision alone?

20 THE DEFENDANT: It is.

21 THE COURT: Now, when Mr. Williamson was  
22 discussing with you your other choice, the one not  
23 taken, pleading not guilty and going to trial, did he  
24 discuss with you things you could do to help defend  
25 yourself either before trial or during trial?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: And to the extent you're able to  
3 tell, are you satisfied with the advice and the legal  
4 services that Mr. Williamson has given you?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Without going over them again at  
7 this point, sir, are you aware of the fines and the  
8 penalties that could result from a plea of guilty this  
9 afternoon?

10 THE DEFENDANT: I am.

11 THE COURT: Are you presently on probation  
12 or parole?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Now, based on the little that  
15 we've discussed and on the more extensive discussions  
16 you've had with your Attorney, is it still your wish to  
17 enter this plea of guilty?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: You have, sir, a number of  
20 rights given you by law and by the constitution that  
21 you're going to be giving up by pleading guilty this  
22 afternoon. Knowing your lawyer as I do, I'm certain  
23 he's gone over each and every one of these rights with  
24 you. I'm required to do so one more time here in this  
25 courtroom.

1           One of the rights you have that you give up  
2   is the right to plead not guilty to all charges and to  
3   go to trial, and at that trial to stick with these pleas  
4   of not guilty throughout, do you understand?

5           THE DEFENDANT:   Yes, sir.

6           THE COURT:   Another right you have that you  
7   give up by pleading guilty is the right to plead not  
8   guilty to all charges, to go to trial, and at that trial  
9   to claim the benefit of what we call the presumption of  
10  innocence.  That simply means that you begin the trial  
11  presumed to be innocent, in other words, not guilty of  
12  the charges against you, and the jury is told that you  
13  must be found innocent, found not guilty on any charge  
14  on which the government doesn't prove your guilt by  
15  proof beyond a reasonable doubt at trial, do you  
16  understand?

17          THE DEFENDANT:   Yes, sir.

18          THE COURT:   Do you realize that that's  
19  simply a long way of saying that you're innocent on a  
20  particular charge unless the government is able to prove  
21  your guilt on that charge by proof beyond a reasonable  
22  doubt at trial, do you understand?

23          THE DEFENDANT:   I do, sir.

24          THE COURT:   Another right you have, sir, is  
25  the right to plead not guilty to all charges, to go to

1 trial, and at that trial to have those charges heard by  
2 a jury of 12 persons, do you understand?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Do you understand that those 12  
5 persons would hear all of the facts of your case, the  
6 facts that the government brings out and any facts that  
7 you and Mr. Williamson decide to bring forth and then at  
8 the end of the trial the jury would decide whether you  
9 were guilty or not guilty on any one or more or all of  
10 the charges, do you understand?

11 THE DEFENDANT: I do, sir.

12 THE COURT: And do you understand that the  
13 right to a jury trial is a right given you by law and by  
14 the constitution and that the only way you'll not have a  
15 jury trial is if you come here into court, tell me that  
16 you understand you have the right to such a trial but  
17 wish to give it up, do you understand?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Now, is this a correct  
20 statement? You understand you have the right to a jury  
21 trial but you wish to give up that right in order to  
22 plead guilty this afternoon to Count 1 of the  
23 Indictment?

24 THE DEFENDANT: That is correct, sir.

25 THE COURT: All right. Do you understand

1     that you do have the right to plead not guilty to all  
2     charges and to go to trial, and if the government would  
3     agree you could go to trial without a jury, you would  
4     waive or give up your right to a jury trial and ask the  
5     judge alone to hear your case and to decide your guilt  
6     or innocence on any one or more or all of these charges,  
7     do you understand?

8                 THE DEFENDANT:    Yes, your Honor.

9                 THE COURT:    Do you understand that by  
10     pleading guilty this afternoon you're giving up whatever  
11     rights you may later be found to have with regard to a  
12     jury deciding sentencing issues and you are agreeing to  
13     allow me to do so, do you understand?

14                THE DEFENDANT:   I do, your Honor.

15                THE COURT:    Do you understand that you have  
16     the right to plead not guilty to all charges, to go to  
17     trial, and at that trial to have here in this courtroom  
18     all of the people who accuse you of these charges so  
19     that your lawyer, Mr. Williamson, can question or  
20     cross-examine those people under oath at trial, do you  
21     understand?

22                THE DEFENDANT:   Yes, your Honor.

23                THE COURT:    Do you understand you have the  
24     right to plead not guilty to all five charges and to go  
25     to trial, and at that trial force the government to try

1 to prove your guilt beyond a reasonable doubt on each  
2 charge to the satisfaction of all 12 jurors, do you  
3 understand?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that as  
6 someone who's been charged with crimes such as you've  
7 been by an Indictment that it's not your job to prove  
8 that you're innocent on any charge, do you understand?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that you have  
11 absolutely nothing at all to prove in this case?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Do you understand that the only  
14 proving that has to be done has to be done by the  
15 government?

16 THE DEFENDANT: I understand.

17 THE COURT: And do you understand that it's  
18 the government's job to try to prove your guilt beyond a  
19 reasonable doubt on each charge to the satisfaction of  
20 all the jurors at trial, do you understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And do you understand that on  
23 any charge on which the government doesn't or can't  
24 prove your guilt beyond a reasonable doubt that you  
25 would be found not guilty, do you understand?



1 THE DEFENDANT: I understand.

2 THE COURT: In spite of what we've just  
3 talked about, Mr. Zobel, and agreed to, has anyone told  
4 you that you did have to prove that you were innocent on  
5 any charge?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Has anyone told you that you had  
8 anything at all to prove?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Do you understand that you have  
11 the right to plead not guilty on all charges, to go to  
12 trial and at that trial to ask your lawyer, Mr.  
13 Williamson, to issue court orders that we call subpoenas  
14 that would bring here into this courtroom anyone who  
15 might be able to testify for you as your witness in your  
16 defense at trial, do you understand?

17 THE DEFENDANT: I understand.

18 THE COURT: Do you understand that by  
19 pleading guilty this afternoon you're giving up your  
20 right to appeal anything that has occurred in your case  
21 before coming to court today, do you understand?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you understand that you have  
24 what we call an absolute right to remain silent, that  
25 you're not required to make any statement at all about

1     this case or plead guilty, do you understand?

2                 THE DEFENDANT:   Yes, your Honor.

3                 THE COURT:   Do you understand that you're  
4     not required to plead guilty to anything that might  
5     bring about the fines and the penalties that we've  
6     discussed?

7                 THE DEFENDANT:   Yes, your Honor.

8                 THE COURT:   Now once again, sir, but now for  
9     the last time, are you aware that a plea of guilty to  
10    this charge carries a sentence of anywhere from 10 years  
11    to life imprisonment?

12                THE DEFENDANT:   Yes, your Honor.

13                THE COURT:   Are you aware that it carries a  
14    possible fine of up to \$250,000 and that, in addition,  
15    you will have to pay a one-hundred-dollar fine to a fund  
16    that the government uses to help crime victims, do you  
17    understand?

18                THE DEFENDANT:   Yes, your Honor.

19                THE COURT:   Do you understand that at the  
20    end of any prison sentence I impose that you will have  
21    to be supervised in your community as though you were on  
22    parole for a period of at least five years and it could  
23    be up to the rest of your life, do you understand?

24                THE DEFENDANT:   Yes, your Honor.

25                THE COURT:   Again, I will ask you if you

1     feel you fully understand the fines and penalties that  
2     could result from a plea of guilty this afternoon?

3                 THE DEFENDANT:   I believe I do, your Honor.

4                 THE COURT:    Has Mr. Williamson your lawyer  
5     gone over all of that with you?

6                 THE DEFENDANT:   He has.

7                 THE COURT:    Has he told you anything  
8     differently than I have?

9                 THE DEFENDANT:   No, sir.

10                THE COURT:    Do you have any questions?

11                THE DEFENDANT:   No.   Thank you.

12                THE COURT:    Do you understand that if you  
13     were to plead not guilty to these charges and to go to  
14     trial that at that trial you would not have to testify  
15     or call witnesses to testify for you unless you chose to  
16     do so, do you understand?

17                THE DEFENDANT:   Yes, your Honor.

18                THE COURT:    Do you understand that by  
19     pleading guilty this afternoon you're giving up your  
20     right to a trial in your case?

21                THE DEFENDANT:   I understand.

22                THE COURT:    And do you understand that if I  
23     accept this plea of guilty there will be no trial in  
24     your case?

25                THE DEFENDANT:   Yes, your Honor.

1           THE COURT: And do you understand the only  
2 other time you'll be here in this courtroom on your case  
3 is after I have reviewed the Presentence Report and have  
4 called you in for sentencing, do you understand?

5           THE DEFENDANT: Yes, your Honor.

6           THE COURT: Do you understand that by  
7 pleading guilty this afternoon you're giving up each and  
8 every one of these rights that we've just discussed?

9           THE DEFENDANT: I understand.

10          THE COURT: Do you feel you understand these  
11 rights?

12          THE DEFENDANT: Yes, I believe I do, sir.

13          THE COURT: Do you have any questions at all  
14 about them?

15          THE DEFENDANT: No, sir.

16          THE COURT: Has your lawyer, Mr. Williamson,  
17 gone over each and every one of these rights with you?

18          THE DEFENDANT: He has.

19          THE COURT: Has he told you anything  
20 differently than I have?

21          THE DEFENDANT: No, he has not.

22          THE COURT: Do you have any questions?

23          THE DEFENDANT: No, sir.

24          THE COURT: Do you give these rights up at  
25 this time?

1 THE DEFENDANT: I do.

2 THE COURT: All right. Mr. Williamson, why  
3 don't you and your client be comfortable at counsel  
4 table while Mr. Tabacchi reads the Plea Agreement into  
5 the record.

6 MR. WILLIAMSON: Thank you, your Honor.

7 THE COURT: Mr. Tabacchi.

8 MR. TABACCHI: Thank you, your Honor. The  
9 following is the plea agreement between the United  
10 States of America and David Zobel. Pursuant to Rule  
11 11(c)(1)(C) of the Federal Rules of Criminal Procedure,  
12 Defendant David Zobel individually and through his  
13 Attorney, David Williamson, and the United States  
14 Attorney's office for the Southern District of Ohio,  
15 collectively, the parties, hereby agree as follows.

16 1. Defendant agrees to plead guilty to  
17 Count 1, coercion and enticement of a minor in violation  
18 of Title 18, United States Code, Section 2422(b), of the  
19 Indictment in this case. Defendant admits that he is in  
20 fact guilty of the offense charged in Count 1 of the  
21 Indictment, and that the Statement of Facts, which is  
22 attached hereto as Exhibit A and incorporated herein by  
23 reference, is true and correct.

24 2. The statutory maximum sentence that the  
25 Court can impose for a violation of Title 18, United

1 States Code, Section 2422(b) is: At least 10 years and  
2 up to life imprisonment, at least five years and up to a  
3 lifetime period of supervised release, a fine of  
4 \$250,000 and a mandatory special assessment of \$100.

5 3. Defendant understands that Defendant  
6 will be required to pay full restitution to the victims  
7 of the offense. Defendant agrees that Defendant will  
8 not seek the discharge of any restitution obligation in  
9 whole or in part in any present or future bankruptcy  
10 proceeding.

11 4. Defendant understands that as a  
12 condition of supervised release under 18 U.S.C. Section  
13 3583(d) he will be required to register as a sex  
14 offender.

15 5. Pursuant to Rule 11(c)(1)(C) of the  
16 Federal Rules of Criminal Procedure, Defendant and the  
17 USAO agree that an appropriate disposition of this case  
18 is that the Court impose a sentence within the range of  
19 a hundred and 20 to a hundred and 80 months  
20 imprisonment, up to a lifetime period of supervised  
21 release, a fine and restitution as determined by the  
22 Court and a one-hundred-dollar mandatory special  
23 assessment. Defendant understands that the Court will  
24 order the United States probation office to prepare a  
25 Presentence Investigation Report. Defendant further

1 understands that the Court may accept this Plea  
2 Agreement, reject it or defer decision until the Court  
3 has reviewed the PSR. Defendant further understands  
4 that, if the Court accepts this Plea Agreement, the  
5 agreed disposition herein will be included in the  
6 judgment of conviction. The parties agree that, if the  
7 Court rejects this Plea Agreement, Defendant may  
8 withdraw from this Plea Agreement so long as the  
9 Defendant has not breached this agreement. If the Court  
10 rejects the Plea Agreement and Defendant does not  
11 withdraw from this Plea Agreement, Defendant may be  
12 sentenced to terms less favorable than those  
13 contemplated in the Plea Agreement. The USAO may, in  
14 its discretion, withdraw from this Plea Agreement if the  
15 Defendant breaches this Plea Agreement or the Court  
16 rejects the Plea Agreement.

17           6. To assist the Court in assessing the  
18 propriety of the disposition set forth in paragraph 5,  
19 the parties agree for the purpose of calculating an  
20 advisory sentencing guideline range to the following  
21 Base Offense Level and specific offense characteristics  
22 which the parties recommend be considered by the Court  
23 at the time of sentencing.

24           Namely, the Base Offense Level of 28 under  
25 U.S.S.G. Section 2G1.13(a)(3), namely a conviction under

1 18 U.S.C. Section 2422(b). A two-level enhancement  
2 under U.S.S.G. Section 2G1.3(b)(3) capital (B), use of a  
3 computer. A two-level enhancement under U.S.S.G.  
4 Section 2G1.3(b)(4), an offense involved commission of a  
5 sexual act. And a two-level adjustment under U.S.S.G.  
6 Sections 2G1.3(d) and 3D1.4, an offense involved  
7 multiple minors.

8 To further assist the Court in assessing the  
9 propriety of the disposition set forth in paragraph 5,  
10 the parties reserve the right to argue and offer  
11 supporting evidence that other specific offense  
12 characteristics, adjustments and departures are  
13 appropriate as well as offer evidence and argument  
14 relating to the factors of sentencing set forth in 18  
15 U.S.C. Section 3553(a).

16 7. Defendant agrees that he will plead  
17 guilty as set forth in this agreement and will pay to  
18 the United States clerk of court prior to or at the time  
19 of sentencing the mandatory special assessment in this  
20 case.

21 8. Defendant further agrees that he is not  
22 a prevailing party as defined by the Hyde Amendment,  
23 Public Law 105-119, Title VI, November 26, 1997, set  
24 forth as a Statutory Note under 18 U.S.C. 3006A, and  
25 hereby expressly waives filing any suit or asserting any



1 claim against the United States, including its agents  
2 and employees under this provision.

3 9. If the Defendant complies fully with all  
4 Defendant's obligation's under this agreement:

5 A. The USAO as well as the United States  
6 Attorney's office for the Eastern District of Michigan  
7 agree not to file additional criminal charges against  
8 Defendant for violations both occurring in the Southern  
9 District of Ohio and the Eastern District of Michigan  
10 during the time period charged in the Indictment and  
11 arising out of the facts set forth in the attached  
12 Statement of Facts, including charges under 18 U.S.C.  
13 Sections 2251(a), attempted production of child  
14 pornography, 2252(a)(2), receipt and distribution of  
15 child pornography, and 2252(a)(4), possession of child  
16 pornography. Defendant understands that the USAO and  
17 the United States Attorney's office for the Eastern  
18 District of Michigan are free to prosecute Defendant for  
19 any unrelated, unlawful past conduct or any unlawful  
20 conduct that occurs after the date of this agreement.

21 B. The USAO agrees, provided that the  
22 Defendant demonstrates an acceptance of responsibility  
23 for the offenses up to and including the time of  
24 sentencing, to recommend a two-level reduction in the  
25 applicable sentencing guideline offense level pursuant

1 to U.S.S.G. Section 3E1.1, and to recommend and, if  
2 necessary, move for an additional one-level reduction if  
3 available under that section.

4 C. The USAO agrees to move to dismiss  
5 Counts 2 through 5 of the Indictment. Defendant  
6 understands that the Court may consider dismissed and  
7 uncharged counts in determining the applicable  
8 sentencing guideline range, where the sentence should  
9 fall within that range, the propriety and extent of any  
10 departure from that range, and a determination of the  
11 sentence to be imposed after a consideration of the  
12 sentencing guidelines and all other relevant factors.

13 D. To recommend that Defendant be sentenced  
14 within the applicable sentencing guideline range  
15 provided that the total Adjusted Offense Level as  
16 calculated by the Court is at least 31 and provided that  
17 the Court does not depart downward in offense level or a  
18 criminal history category.

19 10. Except as set forth herein, there are  
20 no promises, understandings or agreements between the  
21 USAO and Defendant or Defendant's counsel. Except as  
22 set forth in paragraph 9(a) above, this agreement binds  
23 only the USAO and does not bind any other federal, state  
24 or local prosecuting authority.

25 11. By signing this agreement, the

1 Defendant acknowledges that he has read this agreement,  
2 that he has carefully discussed the terms of this  
3 agreement with his Attorney, and that he understands and  
4 accepts those terms voluntarily without duress or  
5 coercion and of his own free will. Defendant further  
6 agrees he is satisfied with the representation of his  
7 Attorney in this matter.

8 Signed by all the parties, your Honor,  
9 including a facsimile signature from John O'Brien, the  
10 Assistant United States Attorney in the Eastern District  
11 of Michigan who is signing off on the Plea Agreement for  
12 that district.

13 THE COURT: Thank you, Mr. Tabacchi. Mr.  
14 Williamson, if you and your client would be good enough  
15 to return.

16 (Counsel and the Defendant approached the  
17 lectern.)

18 THE COURT: Mr. Williamson, you've heard the  
19 reading of the Plea Agreement. Is that your  
20 understanding of it?

21 MR. WILLIAMSON: It is, your Honor.

22 THE COURT: Have you gone over it with your  
23 client and explained it to him?

24 MR. WILLIAMSON: I have, your Honor.

25 THE COURT: Do you feel he understands it

1 and is prepared to accept it?

2 MR. WILLIAMSON: I do.

3 THE COURT: Mr. Zobel, you've heard the  
4 reading of the Plea Agreement. Is that your  
5 understanding of it?

6 THE DEFENDANT: It is, your Honor.

7 THE COURT: Has Mr. Williamson gone over it  
8 with you and explained it to you?

9 THE DEFENDANT: He has.

10 THE COURT: Have you reviewed it yourself?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: Do you feel that you understand  
13 it?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you have any questions at all  
16 about it?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Did you sign it?

19 THE DEFENDANT: I have.

20 THE COURT: And do you accept it?

21 THE DEFENDANT: I do.

22 THE COURT: All right. The Court will defer  
23 a decision as to whether to accept the Plea Agreement  
24 until the time of sentencing, the period after the Court  
25 has reviewed the Presentence Investigation and all other

1 relevant information.

2 Mr. Zobel, other than in the Plea Agreement,  
3 has anybody at all made you any promises in order to get  
4 you to plead guilty?

5 THE DEFENDANT: No, your Honor.

6 THE COURT: Has anybody forced you or  
7 threatened you or put any pressure on you of any kind in  
8 order to get you to plead guilty?

9 THE DEFENDANT: Does that include  
10 threatening to obtain further Indictments and ask that  
11 the sentences be consecutive?

12 THE COURT: That representation was made to  
13 you?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Okay. Has that representation  
16 caused you to enter this plea of guilty?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Has it played a factor?

19 THE DEFENDANT: It has been a factor, yes.

20 THE COURT: All right. One of the questions  
21 I will ultimately be asking you is whether your plea of  
22 guilty to this charge is voluntary?

23 THE DEFENDANT: It is, your Honor.

24 THE COURT: Are you pleading guilty to it  
25 because you feel that you are guilty of it?

1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Is it correct to say, and I  
3 don't want to put words in your mouth, that the threats  
4 of additional prosecutions has not made you admit guilt  
5 to a charge for which you feel you are not guilty, is  
6 that correct?

7 THE DEFENDANT: That's correct.

8 THE COURT: Mr. Tabacchi, I do not -- and  
9 I'm going to ask Mr. Williamson the same question. I do  
10 not feel the need for further questioning on this point.  
11 Your position.

12 MR. TABACCHI: I agree, your Honor.

13 THE COURT: Mr. Williamson.

14 MR. WILLIAMSON: I agree, your Honor.

15 THE COURT: All right, sir. Has anybody  
16 promised you a particular sentence in terms of months or  
17 years?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Has anybody guaranteed you that  
20 whatever sentence I give you will be within the ten to  
21 15-year range?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: That has been a guarantee?

24 THE DEFENDANT: It has been my understanding  
25 that the terms of the 11(c)1(C) guarantee that it will

1 be within 10 to 15 years.

2 THE COURT: All right. Then I'll ask you to  
3 harken back to what I said earlier. Certainly, I will  
4 consider that, along with the non-binding sentencing  
5 range and all of the other factors of sentencing but I  
6 am not guaranteeing you a sentence between 10 or 15  
7 years. All I'm guaranteeing you is that I will consider  
8 it along with all of the other factors, and if I find  
9 that I cannot impose a sentence of between ten and 15  
10 years, you will have the right, if you wish, to withdraw  
11 your Plea Agreement, do you understand?

12 THE DEFENDANT: Yes, your Honor.

13 THE COURT: Is that consistent with  
14 everything that Mr. Williamson has discussed with you?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: All right. Has he guaranteed  
17 you or has anybody guaranteed you that I'm going to  
18 sentence you between 10 and 15 years?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Do you understand that if I  
21 wish, if I feel that 15 years is not a heavy enough  
22 sentence, I'll give you a chance to withdraw your plea.  
23 We can go to trial. Do you understand on this charge if  
24 you're convicted you could wind up with a life sentence?

25 THE DEFENDANT: Yes, your Honor.

1           THE COURT: Has anybody told you to the  
2 contrary?

3           THE DEFENDANT: No.

4           THE COURT: Has anyone told you that there's  
5 any way for you to get a sentence of less than 10 years  
6 on this charge?

7           THE DEFENDANT: No, your Honor.

8           THE COURT: Has anybody promised you a  
9 particular fine in terms of money?

10          THE DEFENDANT: No, your Honor.

11          THE COURT: Has anyone told you that you  
12 wouldn't have to pay the special one-hundred-dollar fine  
13 to the victims' fund?

14          THE DEFENDANT: No, your Honor.

15          THE COURT: Has anyone told you that upon  
16 release from whatever sentence I give you that you will  
17 not have to be supervised in your community as though  
18 you were on parole?

19          THE DEFENDANT: No, sir.

20          THE COURT: Do you understand that as a  
21 result of this plea you will have to comply with sex  
22 registration laws, do you understand?

23          THE DEFENDANT: I understand, sir.

24          THE COURT: Has anyone told you that that  
25 would not happen?



1 THE DEFENDANT: No, sir.

2 THE COURT: Are you pleading guilty to this  
3 charge in Count 1 voluntarily?

4 THE DEFENDANT: I am.

5 THE COURT: Are you pleading guilty to it  
6 because you feel that you are guilty of it?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Now, Mr. Tabacchi, can we agree,  
9 you and I, that any facts you read or would read would  
10 be substantially similar to the second version of the  
11 facts that I read?

12 MR. TABACCHI: Yes, your Honor.

13 THE COURT: We'll then dispense with any  
14 further reading of the facts. Mr. Zobel, I understand  
15 you're in custody but I still have to ask this question.  
16 Within the past 12 to 24 hours, have you had anything to  
17 drink or are you on any drugs or prescription medication  
18 that would make it difficult for you to understand me as  
19 I sit here talking to you?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Do you feel you fully understood  
22 all that we've gone over?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you have any questions?

25 THE DEFENDANT: No, sir.

1           THE COURT: Mr. Williamson, do you consider  
2 your client competent to enter this plea of guilty?

3           MR. WILLIAMSON: I do, your Honor.

4           THE COURT: Do you feel he understands his  
5 rights and is prepared to give them up?

6           MR. WILLIAMSON: I do.

7           THE COURT: Mr. Zobel, do you have any  
8 questions on any subject at this point?

9           THE DEFENDANT: No, your Honor.

10          THE COURT: Do you understand your rights?

11          THE DEFENDANT: I believe I do, sir.

12          THE COURT: Do you give those rights up at  
13 this time?

14          THE DEFENDANT: Yes, sir.

15          THE COURT: How then do you wish to plead to  
16 a charge of coercion and enticement of a minor?

17          THE DEFENDANT: I wish to plead guilty, your  
18 Honor.

19          THE COURT: All right, sir. Mr. Williamson,  
20 can we agree, you and I, that your client's activities  
21 with J.C. during January 2009 constituted unlawful  
22 sexual conduct with minors under the Ohio Revised Code?

23          MR. WILLIAMSON: I agree, your Honor.

24          THE COURT: All right, sir. Based on the  
25 dialogue do that this Court has had with the Defendant

1 over the past 50 to 55 minutes or so and based upon his  
2 appearance and demeanor here in this courtroom, the  
3 Court would make the following seven findings.

4 First, Defendant is in full possession of  
5 his faculties and is competent to plead guilty.

6 Second, he is not under the apparent  
7 influence of narcotics, hallucinogen or alcohol.

8 Third, he understands the nature of the  
9 charge to which the plea is offered and the penalties  
10 provided by law.

11 Fourth, he understands his Constitutional  
12 Rights and he knowingly and intelligently gives them up.

13 Fifth, he is aware of the Plea Agreement  
14 made in his behalf and it is satisfactory to him.

15 Sixth, there is a factual basis for his  
16 plea.

17 Seventh, he has offered to plead guilty  
18 voluntarily because he is, in fact, guilty as charged.  
19 Accordingly, the Court would accept the plea of guilty  
20 for now and it will be made a permanent part of the  
21 record in this case.

22 Now, Mr. Williamson, anticipating your  
23 request, we will refer your client's case to the United  
24 States Probation Department for Presentence Report.  
25 Final followup or disposition will be had after such

1 time as the report has been prepared and both you and  
2 your client have had the opportunity to review it. Bond  
3 previously denied will likewise be denied at this point  
4 pending further order of the Court.

5 Cindy, have we a recommended sentencing  
6 date?

7 THE COURTROOM DEPUTY CLERK: Thursday, April  
8 8th at three o'clock.

9 THE COURT: Thursday, April 8th at three  
10 o'clock, if convenient, sir.

11 MR. WILLIAMSON: That's fine with me, your  
12 Honor.

13 THE COURT: All right. Mr. Tabacchi.

14 MR. TABACCHI: Yes, your Honor.

15 THE COURT: Mr. Williamson, anything  
16 further?

17 MR. WILLIAMSON: No, your Honor.

18 THE COURT: Mr. Tabacchi?

19 THE DEFENDANT: No, your Honor.

20 THE COURT: Mr. Zobel, do you have any  
21 questions?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Cindy, did I get that time  
24 correct?

25 THE COURTROOM DEPUTY CLERK: Yes, sir.

1 (Proceedings concluded at 1:14 p.m.)

2 C-E-R-T-I-F-I-C-A-T-E

3 I, Debra Lynn Futrell, Notary Public in and  
4 for the State of Ohio at large,

5 Do Hereby Certify that the foregoing pages  
6 are a true and correct transcription of my stenographic  
7 notes taken of the proceedings held in the  
8 afore-captioned matter before the Honorable Walter  
9 Herbert Rice, Senior District Judge, to the best of my  
10 ability.

11

12

13 S/Debra Lynn Futrell

14 -----  
15 Debra Lynn Futrell, RMR-CRR  
Notary Public, State of Ohio  
My Commission Expires 12-27-13

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